

# PATENT COOPERATION TREATY

REC'D 06 APR 2005

WIPO PCT

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

F B Rice & Co  
605 Darling Street  
BALMAIN NSW 2041

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing 30 MAR 2005  
(day/month/year)

Applicant's or agent's file reference  
121655

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/AU2004/001803**

International filing date (day/month/year)  
22 December 2004

Priority date (day/month/year)  
22 December 2003

International Patent Classification (IPC) or both national classification and IPC  
**Int. Cl. <sup>7</sup> H04R 25/00**

Applicant  
**COCHLEAR LIMITED et al**

**1. This opinion contains indications relating to the following items:**

- |                                     |              |                                                                                                                                                                      |
|-------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion                                                                                                                                                 |
| <input type="checkbox"/>            | Box No. II   | Priority                                                                                                                                                             |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability                                                                     |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention                                                                                                                                           |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited                                                                                                                                              |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application                                                                                                                     |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application                                                                                                                |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the IPEA/AU  
AUSTRALIAN PATENT OFFICE  
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2004/001803**

<b>Box No. I</b>	<b>Basis of the opinion</b>
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- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | With regard to the <b>language</b> , this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.<br><br><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 2. | With regard to any <b>nucleotide and/or amino acid sequence</b> disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:<br><br>a. type of material<br><div style="margin-left: 20px;"><input type="checkbox"/> a sequence listing<br/><input type="checkbox"/> table(s) related to the sequence listing</div><br>b. format of material<br><div style="margin-left: 20px;"><input type="checkbox"/> in written format<br/><input type="checkbox"/> in computer readable form</div><br>c. time of filing/furnishing<br><div style="margin-left: 20px;"><input type="checkbox"/> contained in the international application as filed.<br/><input type="checkbox"/> filed together with the international application in computer readable form.<br/><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</div> |
| 3. | <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4. | Additional comments:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2004/001803**

**Box No. V**      **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 1-66	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-66	NO
Industrial applicability (IA)	Claims 1-66	YES
	Claims	NO

**2. Citations and explanations:**

**Novelty**

None of the citations in the International Search Report, individually, disclose all of the essential features of the claimed invention.

**Inventive Step**

D1: US 5,824,022

D1 discloses a cochlear stimulation system employing behind-the-ear speech processing with remote control.

D1 discloses a remote control that is connected via a radio link with the behind-the-ear (BTE) speech processor and issues the processor with control signals. Both the remote and the BTE speech processor contain a battery and user interfaces.

The only difference between the present invention and the cited prior art is the use of a radio link instead of a hard-wired solution. And this solution is also introduced by the applicant in Claim 11. Therefore the claims 1-66 do not involve an inventive step.